



Order Filed on March 22, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1**

DENISE CARLON, ESQUIRE

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Attorneys for HSBC Bank USA, National Association,  
as trustee of J.P. Morgan Alternative Loan Trust 2006-  
A5

In Re:

Nicholas Anthony Gargiulo,

Debtor.

Case No.: 19-11599 MBK

Adv. No.:

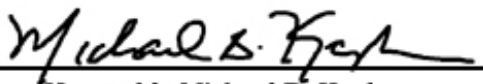
Hearing Date: 3/26/19 @9:00 a.m.

Judge: Michael B. Kaplan

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO DEBTOR'S  
CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby  
**ORDERED**

**DATED: March 22, 2019**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Page 2

Debtor: Nicholas Anthony Gargiulo

Case No.: 19-11599 MBK

Caption: **ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO  
DEBTOR'S CHAPTER 13 PLAN**

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, HSBC Bank USA, National Association, as trustee of J.P. Morgan Alternative Loan Trust 2006-A5, holder of a mortgage on real property located at 16 Pinewood Road, Howell, NJ 07731, Denise Carlon appearing, by way of objection to the confirmation of Debtor's Chapter 13 Plan, and this Court having considered the representations of attorneys for Secured Creditor and William H. Oliver, Esquire, attorney for Debtor, Nicholas Anthony Gargiulo, and for good cause having been shown;

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Debtor is to obtain a loan modification by 5/25/19, or as may be extended by an application to extend the loss mitigation period; and

It **ORDERED, ADJUDGED and DECREED** that Debtor shall make post-petition payments in accordance with the terms of the loss mitigation order while the loss mitigation period is active; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that the Trustee may pay the arrears per the plan while the loan modification is pending; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Secured Creditor does not waive its rights to the pre-petition arrears or the difference between the regular post-petition payment and the loss mitigation payment, or any other post-petition arrears that may accrue; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that in the event loan modification is unsuccessful, Debtor shall modify the plan to otherwise address Secured Creditor's claim.

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Secured Creditor's objection to confirmation is hereby resolved.

**Certificate of Notice Page 3 of 3**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Nicholas Anthony Gargiulo, Jr.  
Debtor

Case No. 19-11599-MBK  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Mar 22, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 24, 2019.

db +Nicholas Anthony Gargiulo, Jr., 16 Pinewood Road, Howell, NJ 07731-1418

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 24, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 22, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Denise E. Carlon on behalf of Creditor HSBC Bank USA, National Association, as trustee of  
J.P. Morgan Alternative Loan Trust 2006-A5 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Kevin Gordon McDonald on behalf of Creditor HSBC Bank USA, National Association, as trustee  
of J.P. Morgan Alternative Loan Trust 2006-A5 kmcDonald@kmlawgroup.com, bkgroup@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
William H. Oliver, Jr. on behalf of Debtor Nicholas Anthony Gargiulo, Jr. bkwoliver@aol.com,  
R59915@notify.bestcase.com

TOTAL: 5